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SEP 22 1998

CONCORD, N.H.

Mr. Russell Hilliard, Director  
Aeronautics Commission  
Concord Airport  
Concord, New Hampshire

Re: Use of State Funds in Federal Aid Airport Program

Dear Mr. Hilliard:

In answer to your inquiry relative to whether funds appropriated by Chapter 236, Laws of 1955, may be used for equal matching of Manchester city funds for construction of a new civilian control tower or to rebuild the existing control tower if Grenier AFB should become a civilian airport, I advise as follows:

Airport is defined by Webster as "a place, either on land or on water, where aircraft may land to discharge or receive cargoes and passengers, make repairs, or take in fuel."

An airport with its beacons, landing fields, runways and hangars is analagous to a harbor with its lights, wharves and docks. One is the landing place and haven of ships that navigate the water, the other of those that navigate the air.

While ordinarily an airport includes all land, buildings, structures or other improvements, necessary or convenient in the establishment and operation of an airport the provision "excluding the cost of land and buildings" from permissive use of matching funds bars use of such funds for the control tower building although such funds may be used to equip such tower.

Very truly yours,

George F. Nelson  
Assistant Attorney General

GFN:W